

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 10-0724 WHA

Plaintiff,

**ORDER DENYING DEFENDANT'S  
APPLICATION FOR TRAVEL AND  
SUBSISTENCE EXPENSES**

v.

DHIREN PATEL,

Defendant.

Pursuant to 18 U.S.C. 4285, defendant Patel requests the United States marshal be ordered to provide him with compensation, *nun pro tunc*, for three one-way airfare trips from Phoenix, Arizona to San Francisco, California, where he appeared in person for various hearings. Defendant traveled from Phoenix to San Francisco for: (1) appointment of counsel hearing (March 2, 2011); (2) change of plea hearing (March 16); and (3) sentencing hearing (June 21). Defendant also requests an adequate amount of subsistence expenses for this travel, not to exceed the amount authorized as per diem allowance for travel under 5 U.S.C. 5702.

Defendant appeared at all three hearings for which he now seeks travel and subsistence reimbursement. Section 18 U.S.C. 4285 permits a judge, "when ordering a person released under chapter 207 on a condition of his subsequent appearance before that court" to direct the United States marshal to furnish fare and money for subsistence "when the interests of justice would be

1 served thereby . . . [and] the United States judge is satisfied, after appropriate inquiry, that the  
2 defendant is financially unable to provide the necessary transportation to appear before the required  
3 court on his own.” Defendant appeared at all three hearings for which defendant now seeks  
4 reimbursement. None of these hearings are identified as hearings under chapter 207 whereby  
5 defendant’s release was dependent on his subsequent appearance in court. It would not be in the  
6 interest of justice to reimburse defendant for these expenses. Thus, defendant’s request for travel  
7 and subsistence expenses is hereby **DENIED**.  
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10 **IT IS SO ORDERED.**

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12 Dated: September 26, 2011.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE